

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
Case No. 20-CV-954-WO-JLW**

FARHAD AZIMA,

Plaintiff,

v.

NICHOLAS DEL ROSSO and VITAL  
MANAGEMENT SERVICES, INC.,

Defendants.

**CONSENT MOTION FOR  
APPOINTMENT OF SPECIAL  
DISCOVERY MASTER  
UNDER RULE 53**

Plaintiff Farhad Azima and Defendants Nicholas Del Rosso and Vital Management Services, Inc. (collectively, “the Parties”) respectfully move this Court under Rule 53 of the Federal Rules of Civil Procedure to appoint a Special Master to assist the Parties to regulate discovery for the remainder of this case.

Under Rule 53(a) of the Federal Rules of Civil Procedure, the Court may appoint a Special Master to (1) perform duties consented to by the parties, and (2) address pretrial matters that cannot be effectively and timely addressed by an available Judge in the District. *See Fed. R. Civ. P. 53(a)(1)(A), (C).* Furthermore, the Court has the inherent authority to appoint a Special Master when it is “essential” to the administration of justice. *See, e.g., Trull v. Dayco Products, Inc.*, 178 F. App’x 247, 251 (4th Cir. 2006). Special Masters should be appointed only in limited circumstances, though: “A pretrial master should be appointed only when the need is clear.” Fed. R. Civ. P. 53(a)(1) (advisory committee’s note to 2003 amendment).

This case is ripe for the appointment of a Special Master to address several discovery issues, as demonstrated by the procedural history. As the Court is aware, there have been numerous discovery disputes on several different occasions, including disputes about the extent to which the attorney-client privilege and attorney work product doctrine applies to certain discovery in the case. The Parties agree that there is a need for expedited review and consideration of these types of issues and that the appointment of a Special Master would aid the parties in the litigation of this case and would benefit the administration of justice.

On October 27, 2023, the Parties entered into a written agreement about the appointment of a Special Master in this case. *See Exhibit A (Joint Agreement Regarding Special Master).* After entering into this Agreement, the Parties consulted with North Carolina Business Court Judge Jim Gale, the selected mediator in this case, about candidates to serve as a Special Master if appointed by the Court. After consulting with the Parties and reviewing a number of candidates, Judge Gale selected Alice Richey, Esq., of the Alexander Ricks law firm in Charlotte, North Carolina, to serve as the Special Master if appointed by the Court.

The Parties submit that Ms. Richey would be appropriate to serve as a Special Master in this case. Ms. Richey is a member of the Mecklenburg County Bar and has practiced law in North Carolina since 1986. She has extensive experience in civil litigation matters and is a member of the American Arbitration Panel of Commercial Arbitrators. Ms. Richey has consulted with Judge Gale about this matter and has agreed to serve as a Special Master in this case if appointed by the Court. Ms.

Richey's proposed hourly rate for her services in this matter is \$500.00 per hour plus costs and expenses, which the Parties agree is reasonable and appropriate. Ms. Richey has also executed an affidavit affirming that she is not subject to disqualification in this matter under 28 U.S.C. § 455. *See Exhibit B* (Affidavit of Alice Richey). Prior to filing this Consent Motion, the Parties provided Ms. Richey with a copy of the Motion and Proposed Order for her review and can inform the Court that Ms. Richey has no objection to the Parties' proposed procedure for the Special Master's work in this case.

WHEREFORE, the Parties respectfully request that the Court appoint Alice Richey, Esq., as a Special Master in this case pursuant to Rule 53 in accordance with the agreement of the parties and to grant such other and further relief as is fair, reasonable, and appropriate.

This, the 22d day of December, 2023.

**WOMBLE BOND DICKINSON (US) LLP**

/s/ Ripley Rand

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Defendants.

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send electronic notification of this Notice to the following attorneys:

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Counsel for Plaintiffs certify that they have also served this document and the Exhibits attached thereto via email to Alice Richey, Esq., at the following email address: alice@alexanderricks.com.

This, the 22d day of December, 2023.

**WOMBLE BOND DICKINSON (US) LLP**

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